IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION NO : 25582 of 2003

Between:

1. The Secretary, APSRTC, Staff Retirement Benefit Scheme,
RTC X Roads, Hyderabad.
2. The Works Manager, Zonal Workshop, APSRTC, Vizianagaram
3. The Deputy Chief Accounts Officer, Zonal Workshop,
APSRTC, Vizinagaram.
4. The Personnel Officer, Zonal Workshop, APSRTC, Vizianagaram

..... PETITIONERS

AND

1. G. John S/o Appayya, Mechanic Staff No. 98469.
   Zonal Workshop, Vizianagaram.
2. V. Somulu S/o Asirayya, Helper in APSRTC.,
   Staff No. 95198, Zonal Workshop, Vizianagaram.
3. B.N.K. T. Raju S/o B.S. Mohan Raju,
   Khalasi, Staff No. 98406, Zonal Workshop, Vizianagaram.
4. V. Shankar Rao S/o Lakshmana Rao,
   Painter, Staff No.102293, Zonal Workshop, Vizianagaram.
5. K. Nageswara Rao
   Mechanic, Staff No. 96383, Zonal Workshop, Vizianagaram.
6. K. S.N. Murthy S/o L. Appalaswamy
   Staff No. 98534, D.M Office, Vizianagaram Depot, Visakhapatnam.
7. G. Ramanamma,
   Sweeper, Staff No. 454831, Deputy Chief Personal Manager Office,
Vizianagaram.
8. The District Consumer Forum Vizianagram.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed therein the High Court will be pleased to call for the records pertaining to CD No. 58/2003 on the file of the District Consumer Forum, Vizianagaram and quash the proceedings including the orders in I.A.No.80/2003 dated 25-08-2003 as without jurisdiction by issuing appropriate Writ, order or direction more particularly one in the nature of Writ of Certiorari.

Counsel for the Petitioner: MR.P.VINAYAKA SWAMY

Counsel for the Respondents 1 to 7: MR.P.VARA PRASAD RAO

Counsel for the Respondent No.8.

The Court made the following:

ORDER:

The Andhra Pradesh State Road Transport Corporation questions the interim order dated 25-08-2003 passed in I.A.No.80 of 2003 in C.D.No.58 of 2003 on the file of the District Consumer Forum, Vizianagaram.

On a consumer dispute raised by the respondents 1 to 7 herein, the 8th respondent while issuing the show cause notice directed not to effect the recovery of the instalments as per the revised amounts from the salary of the petitioners. The petitioners without filing any counter before the District Consumer Forum, straight away filed this writ petition under Article 226 of the Constitution of India contending that the District Consumer Forum passed the said order without having any jurisdiction. Admittedly, an appeal is provided against the order of the District Forum, before the State Commission, under Section 17 of the Consumer Protection Act, 1986. So, the petitioners have two alternative remedies; one is to file counter and vacate petition and another is to file appeal against the said order. Without availing the said remedies the petitioners filed the present writ petition. Therefore, I am of the view that the writ petition filed by the petitioners is not maintainable.

Accordingly, the writ petition is dismissed. No order as to costs.

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04-08-2004

Glv/sj

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

Copies to

1. The Chairman,
The District Consumer Forum Vizianagram.

2. Two C.D copies.